

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

AT&T MOBILITY LLC,

Plaintiff,

v.

JAVIER HIDALGO, CHRISTOPHER
MARLBOROUGH, and HELEN LUCIANO,

Defendants.

Civil Action No. 2:11-cv-03907-SJF-AKT

**DEFENDANTS' MOTION TO COMPEL
ARBITRATION AND TO DISMISS COMPLAINT**


Defendants, Javier Hidalgo, Christopher Marlborough and Helen Luciano (“Defendants”), by and through their undersigned counsel of record, move this Court for an order (1) compelling the Plaintiff, AT&T Mobility, LLC (“Plaintiff”) to submit its claims to arbitration on an individual basis; (2) compelling Plaintiff to submit to arbitration in accordance with the Demand for Arbitration filed by Defendants with the American Arbitration Association (“AAA”) and pursuant to the parties’ agreement to arbitrate all disputes and claims between them and the Federal Arbitration Act, 9 U.S.C., §§ 1 *et seq.*; and (3) dismissing this action.

This motion is based on this Notice of Motion, the attached Memorandum of Law, the Declaration of Scott A. Bursor and exhibits thereto, the pleadings and papers on file herein, and upon such matters as may be presented to the Court at the time of the hearing.

Dated: September 9, 2011

Respectfully submitted,

BURSOR & FISHER, P.A.

By: 

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Scott A. Bursor, hereby certify that this motion and related documents were electronically filed and served on all counsel via the Court's ECF system.

/s/
Scott A. Bursor